

to establish a penal code for the State of Texas," approved August 28, 1856, and find the same correctly engrossed. STEPHENS, *Chairman*.

Senator Storey, by leave, introduced a bill, entitled: "An Act fixing the time for holding the terms of the District Court for the Seventeenth Judicial District, including the county of McCulloch."

Referred to Judiciary Committee No. 1.

On motion of Senator Carroll, the Senate adjourned till to-morrow morning at 9 o'clock.

### FIFTY-FIFTH DAY.

SENATE CHAMBER,  
AUSTIN, TEXAS, June 21, 1876. }

Senate met pursuant to adjournment. President *pro tem.* in the chair. Roll called. Quorum present. Prayer by the Chaplain.

The journal of yesterday adopted.

Senator Henry, Chairman Committee on Public Claims and Accounts, submitted the following report:

*Hon. Wells Thompson, President pro tem. of the Senate:*

Your Committee on Public Claims and Accounts, to whom was referred Senate Bill No. 212, "An Act for the relief of the Moran Brothers," have again considered the same, and again report the bill back to the Senate and recommend that it do not pass.

J. R. HENRY, *Chairman*.

Senator Crain, Chairmap of Committee on Engrossed Bills, submitted the following report:

*Hon. Wells Thompson, President pro tem. of the Senate:*

Your Committe on Engrossed Bills have carefully examined, read and compared Senate Bill No. 84, "An Act authorizing the County Courts to provide for and regulate the construction and repairing of county roads, and fixing the penalties therefor," and find the same correctly engrossed.

STEPHENS, *Chairman*.

Senator Crain, Chairman of the Committee on Stock and Stock Raising, submitted the following report:

*Hon. Wells Thompson, President pro tem. of the Senate:*

Your Committee on Stock and Stock Raising, to whom was referred Senate Bill No. 223, "An Act to further regulate Stock Raising," have had the same under consideration, and report it back to the Senate, with the recommendation that it do pass, with the following amendment:

Strike out Section 15.

CRAIN, *Chairman*.

On motion of Senator Crain, the bill was made the special order for Friday next, at 10:30 A. M., and from day to day until disposed of.

Senator Smith, by leave, presented the petition of many citizens of Grimes county, "asking that the present fees of officers be not reduced, as they, as now fixed, are barely sufficient to afford a living to our pf-ficials, and that a reduction of the same will have the effect to place our different offices in the hands of unworthy and incompetent persons."

Referred to the Committee on Finance.

The President *pro tem.* took up House Joint Resolution No. 335, "To authorize the Governor to make such endorsement on registered United

States bonds as may be necessary to sell or transfer the same," and referred it to the Committee on Finance.

Senator Crain moved a suspension of the rules, to take up Senate Bill No. 217, "An Act to encourage stock raising, and for the protection of stock raisers," and make it a special order.

Rules suspended and bill made the special order for Saturday next, at 10:30 A. M., and from day to day until disposed of.

Senator Storey introduced a bill, entitled: "An Act to transfer and to re-appropriate the unexpended balance remaining on hand of the appropriation to pay Supreme Court Clerk's fees in felony cases, appropriated under act of March 15, 1875, to pay Clerks of the Appellate Court, for fees in felony cases."

Read by caption and referred to the Committee on Finance.

Senator Grace, Chairman of Committee on Enrolled Bills, submitted the following report:

*Hon. Wells Thompson, President pro tem. of the Senate:*

Your Committee on Enrolled Bills have carefully examined, compared and find correctly enrolled Senate Bill No. 26, entitled, "An Act to require the Clerks of the District and County Courts of this State to provide and keep indexes and cross-indexes of the names of the parties to all causes in their courts and to provide a penalty for their failure to comply with the provisions of this act." The same has been properly signed and presented to the Governor this day at 9 o'clock A. M. for his approval.

GRACE, *Chairman.*

On motion of Senator Hobby, the rules were suspended, and House Bill No. 64½ was taken up and read second time.

Senator Brady offered the following amendment:

Add to the end of Section 6: "Provided, that whenever said County Commissioners' Court shall create a bonded debt for the erection of a jail or other public building, it shall provide by taxation for the payment of the interest thereon, and shall also provide for a sinking fund of at least two per cent. to pay the principal, but no tax for this purpose shall exceed one-fourth of one per cent. per annum, *ad valorem*."

Adopted.

Senator Brady offered the following amendment:

"SEC. 21. That whenever a vacancy occurs in any Justice's precinct for Justice of the Peace or Constable, or when it becomes necessary to create a new precinct, in either case it shall be the duty of the County Commissioners' Court to fill the same by appointment until the next general election."

Adopted.

Senator McCormick offered the following amendment:

Add Section — after Section 19: "In case there is a regularly established public hospital in the county, it shall be the duty of the County Commissioners to provide for the indigent sick in their county by sending such sick persons to a hospital, and where more than one public hospital exists in the county, indigent patients shall have the right to enter any such institution which any such indigent patient may select."

Adopted.

On motion of Senator McCormick, the rules were suspended to place the bill on its third reading by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Carroll, Crain,

Douglass, Francis, Grace, Guy, Henry J. R., Hobby, Ledbetter, McLeary, McCormick, McCulloch, Moore, Motley, Smith, Stephens, Storey, Terrell—22.

NAYS—None.

NOT VOTING—Senators Ford, Henry F. M., Martin, Piner, Ripetoe, Wortham—6.

Bill read third time and passed by the following vote :

YEAS—Senators Ball, Blassingame, Brady, Brown, Carroll, Crain, Douglass, Ford, Grace, Guy, Henry J. R., Henry F. M., Hobby, Ledbetter, Martin, McLeary, McCormick, McCulloch, Moore, Motley, Smith, Stephens, Storey, Terrell, Thompson—25.

NAYS—None.

NOT VOTING—Senators Ford, Piner, Ripetoe, Wortham—4.

The resolution of Senator McCulloch, "to not act on any matter of a private or local character until those laws required by the new Constitution are passed," etc., was taken up and lost.

Senator Terrell, by leave, introduced a bill, entitled: "An Act to incorporate the city of Austin and to grant a new charter to said city."

Read by caption and referred to Committee on State Affairs.

On motion of Senator Crain, the rules were suspended and Senate Bill No. 228, "An Act to fix the times of holding District Courts in the Twenty-third Judicial District," was taken up, read second time and ordered engrossed.

On motion of Senator Crain, the rules were suspended to place the bill on its third reading by the following vote :

YEAS—Senators Ball, Blassingame, Brady, Brown, Carroll, Crain, Douglass, Francis, Grace, Guy, Henry J. R., Henry F. M., Hobby, Ledbetter, Martin, McLeary, McCormick, McCulloch, Moore, Motley, Piner, Ripetoe, Smith, Stephens, Storey, Terrell, Thompson, Wortham—28.

NAYS—None.

NOT VOTING—Senator Ford—1.

Bill read third time and passed by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Carroll, Crain, Douglass, Francis, Grace, Guy, Henry J. R., Henry F. M., Hobby, Ledbetter, Martin, McLeary, McCormick, McCulloch, Moore, Motley, Piner, Ripetoe, Smith, Stephens, Storey, Terrell, Thompson, Wortham—28.

NAYS—None.

NOT VOTING—Senator Ford—1.

Senator Piner, by leave, introduced a bill entitled, "An Act to provide for the guardianship of persons and estates of minors, persons of unsound mind and habitual drunkards."

Read by caption and referred to Judiciary Committee No. 2.

Senate Bill No. 11, "An Act to provide for revising, digesting and publishing the laws, civil and criminal, of the State of Texas," was taken up, read second time, and the substitute of the committee, having the same title, was adopted in lieu thereof.

Senator Brady offered the following amendment:

Strike out the word, "Supreme," before the word, "Judges," in Section 3, and insert in lieu thereof the word, "District."

Adopted by the following vote:

YEAS—Senators Blassingame, Brady, Carroll, Francis, Grace, Henry J. R., Henry F. M., Hobby, Martin, McLeary, Moore, Motley, Ripetoe, Wortham—14.



NAYS—Senators Brown, Crain, Guy, Ledbetter, McCormick, McCulloch, Piner, Smith, Stephens, Storey, Terrell, Thompson—12.

NOT VOTING—Senators Ball, Douglass, Ford—3.

Senator Martin offered the following amendment.

Add to Section 1: "And the Governor is hereby requested to issue his proclamation convening the Legislature in extra session, sixty days before the next regular session thereof, and lay the said digest and revision before the Legislature for their action."

Lost, and the bill was ordered to be engrossed.

On motion of Senator McCormick, the rules were suspended, in order to place the bill on its third reading, by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Carroll, Crain, Douglass, Francis, Ford, Grace, Guy, Henry J. R., Henry F. M., Hobby, Ledbetter, McCormick, McCulloch, Moore, Motley, Piner, Ripetoe, Smith, Stephens, Thompson, Wortham—25.

NAYS—Senators Martin, Terrell—2.

NOT VOTING—Senators McLeary, Storey—2.

The bill was then read third time and passed by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Carroll, Crain, Douglass, Francis, Ford, Grace, Guy, Henry J. R., Henry F. M., Hobby, Ledbetter, Martin, McLeary, McCormick, McCulloch, Moore, Motley, Ripetoe, Stephens, Thompson, Wortham—25.

NAYS—Senator Piner, Smith, Terrell—3.

NOT VOTING—Senator Storey—1.

The President *pro tempore*, after publicly reading its caption, signed the following bill:

House Bill No. 135—"An Act to make persons liable for damages to the owner for buying stolen property after nightfall."

On motion of Senator Crain, the rules were suspended, and Senate Bill No. 162, "An Act to amend Articles 518 and 519 of an act entitled, 'An Act to adopt and establish a code of criminal procedure for the State of Texas,' approved August 26, 1856," was taken up and read a second time, and, pending the further consideration of the bill, the hour for taking up the special order for the day arrived, it being House Bill No. 99, "An Act to regulate the fees to be charged by the Commissioner of the General Land Office."

It was taken up and read, pending the motion of Senator Terrell, that the minority report be substituted for the majority report of the committee.

Senator Smith in the chair.

Senator Terrell moved that the bill be postponed till to-morrow morning at 11 o'clock.

Lost.

A message was received from the House, announcing the passage by that body of the following bills:

House Bill No. 71—"An Act to regulate and prescribe the manner of assessing and collecting taxes to meet the interest and create a sinking fund to pay principal and interest on bonds heretofore issued by cities in aid of internal improvements, and to regulate the disbursement of the same."

House Bill No. 1—"An Act making an appropriation of forty thousand dollars to complete and furnish the State Agricultural and Mechanical College."

House Bill No. 318—"An Act to provide for the public printing, binding and stationery by contract."

House Bill No. 289—"An Act to fix the times for holding the District Courts of the Eighth Judicial District."

That the House concurs in Senate amendments to House Bill No. 100, "An Act to prevent the removal of rock, salt, coal or minerals from the premises of another, and prescribe a punishment therefor;" and in the Senate amendments to House Bill No. 88, "An Act to prohibit the sale, exchange or gift of intoxicating liquors in any county, Justice's precinct, city or town in the State that may so elect, prescribing the mode of election, and affixing a punishment for its violation;" and refused to concur in the amendments by the Senate to House Bill No. 121, "An Act to amend Section 41, and to repeal Section 42 of an act entitled, 'An Act to amend an act to establish a code of criminal procedure for the State of Texas,' approved August 26, 1856, approved February 15, 1858, and to repeal Section 960 of an act entitled 'An Act supplementary to and amendatory of an act to establish a code of criminal procedure for the State of Texas,'" approved August 26, 1856, approved November 14, 1864.

The President *pro tem.* in the chair.

On motion of Senator Brady, the further consideration of House Bill No. 99, was postponed until to-day week at 11 o'clock, and made the special order for that hour.

Senator Wortham, Chairman of Committee on Public Printing, by leave, submitted the following report:

*Hon. Wells Thompson, President pro tem. of the Senate:*

Your Committee on Public Printing, to whom was referred Senate Resolution, "enquiring into the causes of the delay in the printing of the Spanish translation of the Governor's message, and to inform the Senate when the delivery of the same may be expected," have considered said resolution, and respectfully make the following report:

*First*—The delay in the Spanish publication of the Governor's message has been the result of a combination of circumstances, more than the fault of any individual directly connected with it, either the translator, the printer or the Committee on Printing.

*Second*—The Governor's message in Spanish will be furnished in about eight days, at most.

WORTHAM, *Chairman.*

Senator Crain, from Committee on Engrossed Bills, submitted the following report:

*Hon. Wells Thompson, President pro tem. of the Senate:*

Your Committee on Engrossed Bills, have carefully examined, read and compared the following Senate Bills, and find them correctly engrossed:

Senate Bill No. 110—"An Act to regulate the compensation of jurors in certain cases."

Senate Bill No. 193—"An Act to provide for settlements in certain cases, with the Comptroller of Public Accounts, by Sheriffs and other persons entrusted with the collection of taxes."

Senate Bill No. 67—"To amend an act regulating contested elections."

CRAIN, *for Committee.*

On motion of Senator Martin, the Senate adjourned until to-morrow at 9 o'clock A. M.

FIFTY-SIXTH DAY.

SENATE CHAMBER,  
AUSTIN, TEXAS, June 22, 1876. }

Senate met pursuant to adjournment. President *pro tem.* in the chair. Roll called. Quorum present. Prayer by the Chaplain.

The journal of yesterday read and adopted.

The President *pro tem.*, after publicly reading its caption, signed Senate Bill No. 23, "An Act to regulate the appointment and define the duties of Notaries Public."

Substitute for House Bills Nos. 121 and 122, "An Act to amend Section 41, and to repeal Section 42 of an act to amend, 'An Act to establish a code of criminal procedure for the State of Texas,'" approved August 26, 1876, was taken up, it being a privileged question, "whether the Senate will recede from its amendments, the House having refused to concur in Senate amendments."

Senator Ledbetter moved that the Senate do not recede from its amendments, a committee of conference be appointed, and a like committee requested on the part of the House.

Carried.

The President *pro tem.* appointed on said committee, Senators Ledbetter, Brady and Guy.

Senator McLeary, Chairman of the Committee on State Affairs, submitted the following reports:

*Hon. Wells Thompson, President pro tem. of the Senate:*

Your Committee on State Affairs, to whom was referred Senate Bill No. 200, entitled, "An Act to organize an armed force for the repression of crime and the arrest of offenders," have had the same under consideration, and instruct me to report the bill back to the Senate, and recommend that it do not pass.

MCLEARY, *Chairman.*

*Hon. Wells Thompson, President pro tem. of the Senate:*

Your Committee on State Affairs, to whom was referred Senate Bill No. 230, entitled: "An Act to establish a State detective force, and provide for the government and regulation of the same," have had the same under consideration, and instruct me to report the bill back to the Senate and recommend that it do pass.

MCLEARY, *Chairman.*

*Hon. Wells Thompson, President pro tem. of the Senate:*

Your Committee on State Affairs, to whom was referred House Bill No. 146, entitled: "An Act to prohibit the establishment of lotteries and gift enterprises, and the sale of tickets or chances in lotteries, gift enterprises or other evasions involving the lottery principle, and to affix a punishment for a violation of this act," have had the same under consideration, and instruct me to report the same back to the Senate, and recommend its passage.

MCLEARY, *Chairman.*

*Hon. Wells Thompson, President pro tem. of the Senate:*

Your Committee on State Affairs, to whom was referred, "the me-